



**DECLARATION
FOR PATENT APPLICATION**

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☐ I am the original, first and sole inventor
☒ I am a joint inventor and the below named inventors are the original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

**SYSTEMS AND METHODS FOR PRIORITIZATION IN INFORMATION
MANAGEMENT ENVIRONMENTS**

the specification of which

(check one) ☐ is attached hereto.
☒ was filed on June 12, 2001,
as Application Serial No. 09/879,834,
and was amended on _____.
(if applicable)

I further declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
_____	_____	_____	_____	X

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

Provisional Application Serial No.

60/246,401

60/187,211

60/246,401

60/285,211

60/291,073

Filing Date

November 7, 2000

March 3, 2000

November 7, 2000

April 20, 2001

May 15, 2001

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

09/797,200

Filing Date

March 1, 2001

Status (patented, pending, abandoned)

pending

Address all correspondence and telephone calls to the following:

William W. Enders
O'KEEFE, EGAN & PETERMAN
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, TX 78746
(512) 347-1611
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Neal D. Hartsell

Inventor's Signature

Neal D. Hartsell

9/5/01

Date

Residence: 2705 CLEARVIEW DRIVE AUSTIN TEXAS 78703
(Including Postal Code)

Citizenship: USA

Post Office Address: SAME

(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of second joint inventor: Robert B. Fernander

Inventor's Signature

R. B. Fernander

9-5-01

Date

Residence: 3610 BONNIE ROAD, AUSTIN TX 78703
(Including Postal Code)

Citizenship: USA

Post Office Address: SAME

(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of third joint inventor: Gregory J. Jackson

Inventor's Signature

Gregory J. Jackson

9/5/01

Date

Residence: 501 Aradrome Canyon Dr. Dripping Springs, TX
(Including Postal Code) 78620

Citizenship: US

Post Office Address: same

(Including Postal Code) (enter "same" if mailing address is same as residence address)

Full name of fourth joint inventor: Scott C. Johnson

Inventor's Signature

Scott C. Johnson

9-5-2001
Date

Residence:

(Including Postal Code)

3612 Galena Hills Loop, Round Rock, TX 78681

Citizenship: U.S.A.

Post Office Address:

(Including Postal Code)

Same

(enter "same" if mailing address is same as residence address)

Full name of fifth joint inventor: Chaoxin C. Qiu

Inventor's Signature

Chaoxin C. Qiu

9/5/2001
Date

Residence:

(Including Postal Code)

10720 Bramblecrest Dr, Austin, TX 78726

Citizenship:

USA

Post Office Address:

(Including Postal Code)

Same

(enter "same" if mailing address is same as residence address)

Full name of sixth joint inventor: Roger K. Richter

Inventor's Signature

Roger K. Richter

9/5/2001
Date

Residence:

(Including Postal Code)

15248 FAUBION TRAIL, LEANDER, TX 78641

Citizenship:

USA

Post Office Address:

(Including Postal Code)

- same -

(enter "same" if mailing address is same as residence address)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NEAL D. HARTSELL ET AL.

Filed: June 12, 2001

For: SYSTEMS AND METHODS FOR PRIORITIZATION IN
INFORMATION MANAGEMENT ENVIRONMENTS

Serial No.: 09/879,834

Group Art Unit: UNKNOWN

Examiner: UNKNOWN

Atty Dkt: SURG:149

Pursuant to 37 CFR 1.8, I hereby certify that this paper or fee is being deposited with the United States Postal Service in a first class, postage prepaid envelope on the date indicated below and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

10-11-01
Date

Diane C. Petts
Name

Assistant Commissioner For Patents
Washington, D.C. 20231

**ELECTION UNDER 37 C.F.R. §§3.71 AND STATEMENT UNDER 3.73
AND POWER OF ATTORNEY**

Sir:

The undersigned being Assignee of record of the entire interest in the above-identified application by virtue of an assignment that has been filed in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventor. A statement under 37 C.F.R. 3.73(b) is also included below.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one

year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. §3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to *Surgient Networks, Inc.*, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to 37 C.F.R. §3.73(b), *Surgient Networks, Inc.*, a corporation, states that it is the assignee of the entire, right, and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. The assignment has been filed in the United States Patent and Trademark Office as set forth below.

Please direct all communications as follows:

William W. Enders
O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
512/347-1611
FAX 512/347-1615

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

ASSIGNEE:

SURGIENT NETWORKS, INC.

By: _____


Name: Scott C. Johnson
Title: Chief Technical Officer

Date: _____

9-5-2001

ASSIGNMENT:

- ☒ Filed concurrently herewith (copy enclosed)
☐ Previously filed [date](copy enclosed)
☐ Previously recorded

Date: _____

Reel: _____

Frame: _____

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Surgient Networks, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North Mopac, Suite C-300, Austin, Texas 78759-8374, the entire right, title and interest for the United States and all foreign countries in and to (1) any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 09/879,834 which has been filed on June 12, 2001 and is entitled "SYSTEMS AND METHODS FOR PRIORITIZATION IN INFORMATION MANAGEMENT ENVIRONMENTS," (2) such application and all divisional, continuing, continuation-in-part, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; and (3) any and all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such applications in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

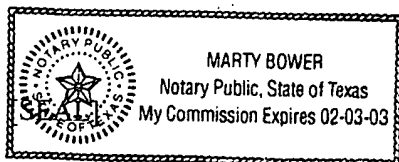
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): Neal D. Hartsell Date: 9/5/01
Neal D. Hartsell

State of Texas)

County of Texas)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Neal D. Hartsell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower
Notary or Consular Officer

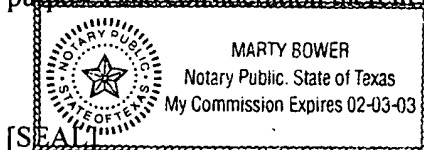
(Signature): Robert B. Fernander
Robert B. Fernander

Date: 9-5-01

State of Texas)

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001 personally appeared Robert B. Fernander, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower
Notary or Consular Officer

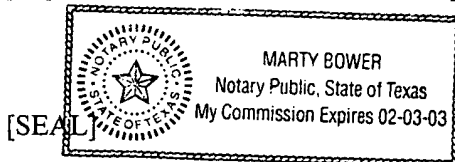
(Signature): Gregory J. Jackson
Gregory J. Jackson

Date: 9/5/01

State of Texas)

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001 personally appeared Gregory J. Jackson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower
Notary or Consular Officer

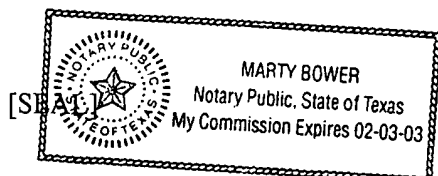
(Signature): Scott C. Johnson
Scott C. Johnson

Date: 9-5-2001

State of Texas)

County of Travis)

BEFORE ME, the undersigned authority, on this 5 day of September, 2001 personally appeared Scott C. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



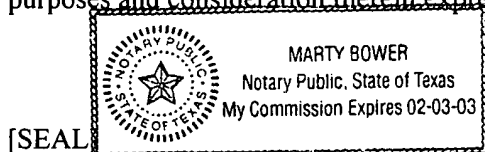
Marty Bower
Notary or Consular Officer

(Signature): Chaoxin C. Qiu Date: 9/5/2001
Chaoxin C. Qiu

State of Texas)

County of Travis

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Chaoxin C. Qiu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



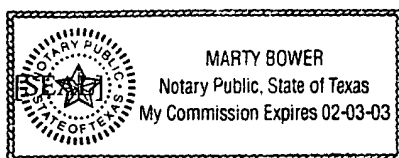
Marty Bower
Notary or Consular Officer

(Signature): Roger K. Richter Date: 9/5/2001
Roger K. Richter

State of Texas)

County of Travis

BEFORE ME, the undersigned authority, on this 5 day of September, 2001, personally appeared Roger K. Richter, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Marty Bower
Notary or Consular Officer